

REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 28-58 and 82-88 are pending in this application, and presented for examination. Claims 28, 29, 42, 43 and 44 have been amended. Claims 1-27 and 59-81 have been canceled without prejudice or disclaimer. Reconsideration is respectfully requested.

I. FORMALITIES

Claims 28, 29, 42-43 and 44 have been amended. More particularly, claim 28 was amended to recite specific agents in a Markush style list. Support is found, for example, on page 14, lines 20-23. Claims 29 and 44 were amended to recite "the saccharide group having between one to eight monosaccharide groups." Support is found, for example, on page 11, line 21. In addition, claims 28 and 42-43 have been amended to more particularly point out the definition of "cationic group."

In view of the foregoing support, Applicants respectfully request that the Examiner enter the amendments.

II. FIRST REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 28, 32-42, 49 and 82-88 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly being non-enabled for the term "cationic group". According to the Examiner, cationic groups such as trimethylammonium or ammonium cation are enabled, but due to the large number of possible substituents, and the highly unpredictable nature of the cationic groups, undue experimentation would be required to determine which other compounds have the desired properties. To the extent the rejection is applicable to the amended set of claims, Applicants respectfully traverse the rejection.

Applicants have amended claims 28, 42 and 43 to recite with more particularity, that the cationic group is formed with the nitrogen atom and the R group. This definition includes for example, NMe_3^+ and NH_3^+ as set forth in claim 43, but also HCL salts as set forth in

Example 17 (page 44). In certain embodiments, a skilled artisan will appreciate that the hydrogen on the nitrogen may be absent (e.g., NMe_3^+). In view of the amendment to the claims, Applicants respectfully request that the Examiner withdraw the rejection.

III. SECOND REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 28-35 and 40-41 were rejected under 35 U.S.C. §112, first paragraph, as allegedly being non-enabled for the term "agent". According to the Examiner, the term "agent" while being enabled for therapeutic proteins, therapeutic genes, vectors and the like, due to the large number of structural formulas for other agents, undue experimentation would be required to determine which specific agents will be useful in the claimed composition. To the extent the rejection is applicable to the amended set of claims, Applicants respectfully traverse the rejection.

In order to expedite prosecution, Applicants have amended the claims to recite the therapeutic agents as set forth on page 14, lines 20-23. Specifically, Applicants have amended the claims to recite a Markush list of agents consisting of the following: therapeutic proteins, therapeutic genes, vectors, and antisense nucleic acids.

In view of the foregoing amendments, Applicants respectfully request that the Examiner withdraw the rejection.

IV. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 29, 44 and 46 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as their invention. The Examiner alleges that the phrase "the saccharide group comprises" renders the claims indefinite. To the extent the rejection is applicable to the amended set of claims, Applicants respectfully traverse the rejection.

In order to expedite prosecution, Applicants have amended the phrase "the saccharide group comprises one or more pentose or hexose residues" in claims 29 and 44 to recite --the saccharide group has between one to eight monosaccharides--. Support for the amendment is found, for example, on page 11, line 21. In view of the amendment, Applicants

believe that the claims are clear and definite. As such, Applicants respectfully request that the Examiner withdraw the rejection.

V. DOUBLE PATENTING

Claims 42-58 were rejected under the judicially created doctrine of obviousness-type double patenting for allegedly being obvious over claims 1-5 of U.S. Patent No. 6,392,069. In the Office Action, the Examiner has indicated that the double patenting rejection can be overcome by the filing of a Terminal Disclaimer.

Applicants respectfully request that this obviousness-double patenting rejection be held in abeyance until Applicants receive from the Examiner an indication regarding allowable subject matter. At that time, Applicants will take the necessary steps such as filing a Terminal Disclaimer, to obviate the double patenting rejection.

Appl. No. 10/055,863
Amdt. dated August 27, 2004
Reply to Office Action dated May 27, 2004

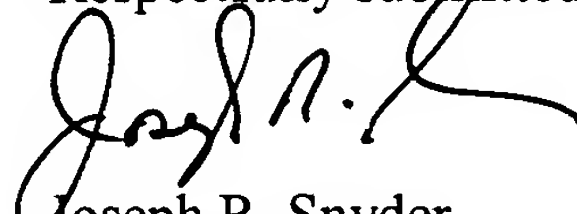
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VI. CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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